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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,616

01/20/2004

Mark Jeffrey Smith

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29637

7590

07/18/2006

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EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/760,616	SMITH, MARK JEFFREY	
	Examiner	Art Unit	
	Barry W. Taylor	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 6-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins (2003/0185169) in view of Burstein (2003/0193307) further in view of Jones, III et al (2004/0151282 hereinafter Jones).

Regarding claim 1. Higgins teaches a wireless communication device (title, abstract) for communicating information from a bidirectional high speed data cable modem via an Ethernet connection (paragraphs 0011-0012) using a first radio transceiver at a first location and communicating with a second radio transceiver at a customer's premises comprising:

a housing containing a bidirectional high-speed modem operably connected to a first radio transceiver, a first radio-processing card, and a switching power supply (see wireless modem, item 16 figure 2);

a splitter (see splitter, item 22 in figure 2 providing both data and power on same cable, paragraph 0024).

Higgins does not explicitly show modem having fan.

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Burstein teaches cooling modem by using fan to evacuate warm air from modem enclosure (paragraph 0004).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Burstein into the teachings of Higgins in order to remove heat from the modem enclosure.

According to Applicant, Higgins in view of Burstein fail to show housing mounted to support strand via mounting bracket (see Applicants argument on pages 4-5, paper dated 5/3/06 and amendment to independent claim).

Jones teaches (paragraph 0033) modem connected telephone line so that the modem can be located anywhere (i.e. inside or outside building).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Jones into the teachings of Higgins and Burstein in order to remove heat from the modem enclosure mounted outside the home.

Regarding claims 2-3. Higgins teaches high-speed modem (title, abstract, paragraphs 0010-0013, 0024-0027).

Regarding claim 6. Higgins teaches modem having environmental enclosure (abstract) .

Regarding claim 7. Higgins shows using two wireless modems (figure 3).

Regarding claim 9. Higgins teaches wireless modem is a router (see figure 2 wherein wireless modem 16 routes information down to workstation 24).

2. Claims 4-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins (2003/0185169) in view of Burstein (2003/0193307) and Jones, III et al (2004/0151282 hereinafter Jones).

further in view of Bishop et al (6,377,782 hereinafter Bishop).

Regarding claims 4-5. Higgins in view of Burstein and Jones fail to use the term "DOCSIS".

Bishop teaches wireless modem that is DOCSIS compliant and provides automatic registration, encryption, and auto assignment of IP addresses (col. 7 line 30 – col. 8 line 22).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Bishop into the teachings of Higgins in view of Burstein and Jones in order to provide a wireless modem that automatically registers with the system.

Regarding claim 8. Higgins in view of Burstein and Jones fail to teach detecting location of device.

Bishop teaches wireless modem that is DOCSIS compliant and provides automatic registration, encryption, and auto assignment of IP addresses (col. 7 line 30 – col. 8 line 22).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Bishop into the teachings of Higgins in view of Burstein and Jones in order to provide a wireless modem that automatically registers with the system.

Response to Arguments

3. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Thursday, 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached at (571) 272-7872. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (571-273-8300).

Barry W. Taylor
Art Unit 2617



BARRY TAYLOR
PRIMARY EXAMINER